

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

STEPHEN MICHAEL [ANGE], )  
Plaintiff, )  
v. ) 2:14-cv-00286-JAW  
JOHN BURKE, *et al.*, )  
Defendants )

## RECOMMENDED DECISION TO DISMISS

On July 11, 2014, Plaintiff Stephen Michael,<sup>1</sup> who states that he is wrongfully incarcerated in the York County Jail, filed a pro se Complaint naming John Burke and others as defendants. (Complaint, ECF No. 1.) On July 28, 2014, the Court ordered Plaintiff to pay the filing fee or to submit an application to proceed *in forma pauperis*. (Order, ECF No. 5.) *See* 28 U.S.C. § 1915(a)(2). In its order, the Court stated:

The Clerk is hereby directed to forward a form Application to Proceed *In Forma Pauperis* to Plaintiff. Plaintiff is hereby ORDERED to file a properly completed Application to Proceed *In Forma Pauperis*, together with a certified copy of his prisoner trust accounts or pay the filing fee of \$400.00, no later than August 20, 2014, failing which the Court will issue a recommendation that this matter be dismissed for lack of prosecution.

(ECF No. 5.) Plaintiff did not pay the filing fee, nor did he submit an application to proceed *in forma pauperis* before the deadline of August 20, 2014, as provided in the order. Instead, he filed a document entitled “Notice of Refusal for Cause Refusal for Fraud,” along with several other

<sup>1</sup> Plaintiff Stephen Michael has also used “Ange” with his name. (ECF No. 1-2.)

documents, including a copy of the Court's July 28, 2014, Order with a handwritten notation across it that appears to state "Refusal for Cause Refusal for Fraud." (ECF Nos. 7, 7-2.) Plaintiff's filings do not comply with the requirement that he file an application to proceed *in forma pauperis* and a certified copy of his prisoner trust accounts or, alternatively, that he pay the filing fee. Accordingly, consistent with the Court's July 28, 2014, Order, the recommendation is that the Court dismiss the Complaint for lack of prosecution.

#### **NOTICE**

A party may file objections to those specified portions of a magistrate judge's report or proposed findings or recommended decisions entered pursuant to 28 U.S.C. 636(b)(1)(B) for which *de novo* review by the district court is sought, together with a supporting memorandum, within fourteen (14) days of being served with a copy thereof. A responsive memorandum shall be filed within fourteen (14) days after the filing of the objection.

Failure to file a timely objection shall constitute a waiver of the right to *de novo* review by the district court and to appeal the district court's order.

Dated this 27<sup>th</sup> day of August, 2014.

/s/ John C. Nivison  
U.S. Magistrate Judge